

ARTICLE IV. CHARITABLE BINGO*

Sec. 4-62. Purpose and intent.

It is the purpose and intent of the city council in enacting this article to allow the conduct of bingo games by charitable organizations and senior citizen groups. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-63. "Charitable organization" defined.

For the purposes of this article "charitable organization" shall include only those organizations exempted from payment of the bank and corporation tax by section 23701d of the Revenue and Taxation Code of the State of California and a contribution or gift to which would qualify as a "charitable contribution" under section 170(c)(2) of the United States Internal Revenue Code of 1954. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-64. "Bingo game" defined.

As used in this article, "bingo game" means a game of chance in which a prize or prizes are awarded on the basis of alignment of numbers or symbols on a card which conforms to numbers or symbols selected at random. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-65. Permit required.

Only charitable organizations or senior citizens groups may obtain a permit to operate or conduct a bingo game. No bingo game may be conducted without first obtaining a permit from the police chief. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-66. Evidence of tax-exempt status to accompany license application.

Any charitable organization applying for a bingo license shall submit with its application therefor a certification from the franchise tax board of tax-exempt status under section 23701d of the Revenue and Taxation Code of the State of Cali-

fornia, and a certification from the United States Internal Revenue Service that a contribution or gift to the applicant would be a charitable contribution under section 170(c)(2) of the United States Internal Revenue Code of 1954, as amended. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-67. Permit fee.

No permit shall be issued without the payment in advance of a fee to defray the actual cost of issuing said permit. The amount of the permit fee shall be designated by resolution of the city council. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-68. Records required.

Every organization authorized to operate or conduct a bingo game for charitable purposes under this article shall keep separate and accurate books and records of all income and expenses related to the conduct of such games. Said books and records shall be open for inspection by the chief of police, or his designate, at all times during ordinary hours of business, and shall not in any manner be concealed from said authorities. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-69. Disposition of profits.

All profits derived from a bingo game shall be kept in a special fund or account, and shall not be commingled with any other fund or account. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-70. Location of game.

A licensed charitable organization shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office of or performance of the purposes for which the organization is organized. (Ord. No. 598, § 1, 2-28-77)

Sec. 4-71. Participation of minors; presence required.

Participation in all bingo games shall be open to the general public, and may not be limited to members of the licensed charitable organization or senior citizen's group. No minors shall be allowed to participate in any bingo game. No person shall be allowed to participate in a bingo game unless the person is physically present at

*Editor's note—Ord. No. 598, § 1, adopted Feb. 28, 1977, specifically amended the Code by adding a new Ch. 27. In order to preserve the alphabetical sequence of chapter titles, and due to the presence of a new Ch. 27, said provisions have been redesignated Art. IV, §§ 4-62—4-73 as herein set out.

Cross reference—License tax exemption for charitable organizations, § 12-4.

the time and place in which said game is being conducted. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

Sec. 4-72. Value of prizes.

The total value of prizes, including cash, awarded during the conduct of any one bingo game shall not exceed two hundred fifty dollars (\$250.00). (Ord. No. 598, § 1, 2-28-77)

Sec. 4-73. Operation generally.

A bingo game shall be operated and staffed only by members of the nonprofit charitable organization or senior citizen group which organized it. Such members shall not receive a profit, wage, commission, salary or compensation of any kind in consideration for conducting or helping to conduct any bingo game. It is a misdemeanor for any person to receive a profit, wage, commission, salary or other compensation from any bingo game herein authorized, punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city. Only the organization authorized to conduct a bingo game shall operate such game, or participate in the promotion, supervision or any other phase of such game. No individual, corporation, partnership or other legal entity, except the organization authorized to conduct a bingo game, shall hold a financial interest in the conduct of said game. (Ord. No. 598, § 1, 2-28-77; Ord. No. 732, 4-9-85)

ARTICLE V. ADULT ENTERTAINMENT FACILITIES

Sec. 4-74. Purpose.

In adopting this article, it is recognized that certain types of adult entertainment facilities possess certain objectionable operational characteristics which when concentrated can have a deleterious effect upon adjacent areas. It is also recognized that locating the adult entertainment facilities covered by this particle in the vicinity of facilities frequented by minors will cause the exposure of minors to adult material which, because of their immaturity, may adversely affect them. In addition, it is recognized that many persons are offended by the public display of certain sexual material. Special regulation of these uses is necessary to ensure

that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and to an adverse effect on minors. (Ord. No. 673, § 1, 4-8-80)

Sec. 4-75. Definitions.

As used in this article, the following terms shall have the following meanings:

(a) Specified sexual activities means:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (5) Masochism, erotic or sexually oriented torture, beating or in the infliction of pain; or
- (6) Erotic or lewd touching, fondling or other contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation; or
- (8) Any combination of the above items (1) through (7).

(b) Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - a. Human genitals;
 - b. Human buttock;